



PATENT
ATTORNEY DOCKET NO.: FIBRO1120-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brigstock, et. al. Art Unit: 1647
Application No.: 09/113,924 Examiner: L. Spector
Filed: July 9, 1998 Conf. No.: Unassigned
Title: HEPARIN-BINDING GROWTH FACTOR (HBGF) POLYPEPTIDES

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Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUL 27 2005

OFFICE OF PETITIONS

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED PATENT
APPLICATION PURSUANT TO 37 CFR § 1.137(b)**

Sir:

Applicant submits this Petition under 37 C.F.R. §1.137(b) for revival of the above-identified application, which was unintentionally abandoned on October 25, 2001, for failure to properly respond to the Final Office Action mailed March 15, 2001.

Submitted herewith, as required by C.F.R. §1.137(b)(1-4), are the following:

1. Request for Continued Examination in Response to the outstanding Final Office Action mailed March 15, 2001;
2. The petition fee pursuant to C.F.R. §1.17(m) the Request for Continuation fee pursuant to C.F.R. §1.17(e) and the three-month extension of time fee;

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, **July 22, 2005**, in an envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stephanie Sharrett
(Name of Person Mailing Paper)

Stephanie Sharrett
(Signature) July 22, 2005
(Date)

07/26/2005 MAHME1 00000040 09113924

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Application No.: 09/113,924
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3. A statement that the entire delay in filing the required reply, from the due date to the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b), was unintentional;
4. Copy of the Notice of Abandonment; and
5. Petition for Extension of Time.

Applicant respectfully petitions for revival of the above-identified application.

Enclosed is Check No. 578413 in the amount of \$1655.00; consisting of \$750.00 for the petition fee to revive an unintentionally abandoned application under 37 C.F.R. § 1.17(m), \$395.00 for the Request for Continuing Examination fee under 37 C.F.R. § 1.17(e), and \$510.00 for the three-month extension of time fee. The Commissioner is hereby authorized to charge any other fees associated herewith, or credit any overpayment, to Deposit Account No. 07-1896. A duplicate copy of this Petition is enclosed.

Respectfully submitted,



Lisa A. Halle, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Date: July 22, 2005

USPTO Customer Number 28213
DLA PIPER RUDNICK GRAY CARY US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133



PATENT
ATTORNEY DOCKET NO.: FIBRO1120-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brigstock, et. al. Art Unit: 1647
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**STATEMENT ACCOMPANYING PETITION TO REVIVE
AN UNINTENTIONALLY ABANDONED PATENT APPLICATION
PURSUANT TO 37 CFR § 1.137(b)**

Sir:

Responsive to the Notice of Abandonment mailed October 25, 2001, Applicants hereby petition for revival of the above-identified application under the provisions of 37 CFR § 1.137(b) on the grounds that the application was abandoned unintentionally. The above identified application became abandoned for Applicants' alleged failure to file a response to the Final Office Action mailed on March 15, 2001. As Applicants were therefore unable to submit a timely response, revival of the application is respectfully requested.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, July 22, 2005, in an envelope addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Stephanie Sharrett (Name of Person Mailing Paper)	
Stephanie Sharrett (Signature)	7/22/05 (Date)

In re Application of:
Brigstock, et al.
Application No.: 09/113,924
Filed: July 9, 1998
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Attorney Docket No.: FIBRO1120-1

Applicants submit with this Petition for Unintentional Revival an Amendment to the Final Office Action mailed March 15, 2001, along with a Request for Continued Examination which corrects the outstanding response due for the subject application.

Enclosed is Check No. 578413 in the amount of \$750.00, the petition fee to revive an unintentionally abandoned application pursuant to 37 CFR § 1.17(m). No additional fees are believed due with the present response. However, the Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 07-1896. If the Examiner would like to discuss any of the issues raised herein, Applicants' representative can be reached at (858) 677-1456.

Respectfully submitted,

Date: July 22, 2005



Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/113,924 07/09/98 BRIGSTOCK

D 08766/003002

HM12/1025

EXAMINER

LISA A HAILE
GRAY CARY WARE AND FREIDENRICH LLP
4365 EXECUTIVE DRIVE, SUITE 1600
SAN DIEGO CA 92121-2189

SPECTOR

ART UNIT

PAPER NUMBER

1647

DATE MAILED:

10/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER 924

07 FILING DATE

BRIGGS

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO

666/003002

HM12/1025

LISA A HAILE
GRAY CARY WARE AND FREIDENRICH LLP
4365 EXECUTIVE DRIVE, SUITE 1600
SAN DIEGO CA 92121-2189

EXAMINER, L

ART UNIT 647 PAPER NUMBER

19
JUL 25/01

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

Applicant's failure to timely file a proper response to the Office letter mailed on 3/15/01.

A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.

A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

No response has been received.

Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.

The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.

The issue fee has not been received.

Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

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Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.

The proposed new formal drawings filed _____ are not acceptable.

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No proposed new formal drawings have been received.

The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

LORRAINE SPECTOR
PATENT ATTORNEY

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.